

MONTANA LEGISLATIVE HISTORY

Chapter 311 1979

Bill H _____ S 305 Original bill & history _____C

H. Committee on Local Govt

Hearing Date(s) March ✓C

EXEC ACTION _____C

_____C

_____C

Date Out _____C

S. Committee on Local Govt

Hearing Date(s) Feb 07 ✓C

EXEC ACTION _____C

_____C

_____C

Did this bill originate in an interim committee? _____Yes _____No

Committee _____

Report _____

SENATE BILL NO. 305

INTRODUCED BY WATT

BY REQUEST OF THE CODE COMMISSIONER

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Local Government.
February 8, 1979	Committee recommend bill do pass. Report adopted.
February 9, 1979	Printed and placed on members' desks.
February 10, 1979	Second reading, do pass.
February 12, 1979	Considered correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Local Government.
March 6, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 8, 1979	Second reading, concurred in.
March 12, 1979	Third reading, concurred in as amended.

IN THE SENATE

March 13, 1979	Returned from second house. Concurred in as amended.
March 14, 1979	Second reading, pass consideration.

March 15, 1979

Second reading, amendments
adopted.

March 16, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *305*
2 INTRODUCED BY *Watt*
3 BY REQUEST OF THE CODE COMMISSIONER
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL
7 OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND
8 TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND
9 BUILDINGS BY LOCAL GOVERNMENTS; REPEALING SECTION 7-5-2124,
10 MCA."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Section 7-5-122, MCA, is amended to read:
14 "7-5-122. Resolution veto procedure. If the plan of
15 government allows the chief executive to veto resolutions,
16 this power must be exercised in writing at the next regular
17 meeting. If the chief executive fails to act, the resolution
18 ~~shall--be~~ is approved. If the chief executive vetoes a
19 resolution, the governing body must act at the same meeting
20 or its next regularly scheduled meeting to either override
21 or confirm the veto."
22 Section 2. Section 7-5-2145, MCA, is amended to read:
23 "7-5-2145. Attendance at meetings and conventions by
24 county officers and employees. (1) No Unless otherwise
25 provided by law, no county officer or employee shall may

1 receive payment from any public funds for traveling expenses
2 or other expenses of any sort or kind for attendance upon at
3 any convention, meeting, or other gathering of public
4 officers except for attendance upon at such convention,
5 meeting, or other gathering as ~~said the~~ officer or employee
6 may by virtue of his office find it necessary to attend.

7 (2) Three members of the board of county commissioners
8 may be allowed actual transportation expenses and per diem
9 for attendance upon at any general meeting of county
10 commissioners or assessors held within the state not more
11 often than once a year, and the proportionate expenses and
12 charges against each county as a member of such association
13 shall also be paid.

14 (3) County attorneys, sheriffs, and justices of the
15 peace ~~are hereby authorized to may~~ attend their respective
16 meetings or conventions held within the state and are
17 allowed actual traveling expenses, not more often than once
18 a year, for attending the same."

19 Section 3. Section 7-5-2501, MCA, is amended to read:

20 "7-5-2501. Vacation of plats in abandoned townsites.
21 (1) When there ~~shall have been~~ is filed in the office of the
22 county clerk of any county of this state a plat of any
23 village or townsite or a plat of any vineyard tracts,
24 acreage tracts, suburban tracts, or community tracts
25 designated ~~--in former 11-614, R.C.M.--1947,~~ and it is desired

1 by the owners of ~~said lands~~ the land to vacate ~~said the~~
 2 plat, the county commissioners of the county in which such
 3 plat is filed shall, upon petition of the owners of ~~all the~~
 4 ~~lands land~~ described in ~~said the~~ plat and upon such
 5 conditions as may be reasonable, cancel and ~~annul~~ ~~said the~~
 6 plat and shall vacate the lots, streets, alleys, parks, and
 7 boulevards, if any, described in ~~said the~~ plat. Thereafter
 8 the designation of ~~said the~~ property shall be by metes and
 9 bounds or by legal subdivisions if the circumstances may
 10 require and the same shall be assessed accordingly. If any
 11 post office, store, or other business establishment ~~shall be~~
 12 ~~is~~ located within ~~such the~~ platted area, that fact shall not
 13 prevent the cancellation and vacating of ~~said the~~ plat in
 14 accordance with the terms of this section, but in all cases
 15 where it ~~shall be~~ ~~is~~ necessary to designate the location of
 16 any such post office, store, or other business property by
 17 metes and bounds for purposes of identification, ~~such this~~
 18 designation shall be made in the order to be entered by the
 19 board of county commissioners.

20 (2) Petitions under the terms of this section shall be
 21 signed by all the owners of the land in ~~such the~~ platted
 22 area, shall distinctly refer to the original plat for
 23 purposes of identification, and shall disclose that the
 24 petitioners are the owners of all the lands described in
 25 ~~said the~~ plat and that no rights of any person have

1 intervened since the filing of ~~said the~~ plat which would be
 2 adversely affected by the cancellation and annulment
 3 thereof."

4 Section 4. Section 7-5-4102, MCA, is amended to read:
 5 "7-5-4102. Powers and duties of mayor related to
 6 administration and executive function. (1) The mayor has
 7 power to:

8 (a) communicate to the council, at the beginning of
 9 every session and more often if deemed considered necessary,
 10 a statement of the affairs of the city or town, with such
 11 recommendations as the mayor ~~may deem~~ considers proper;

12 (b) recommend to the council such measures connected
 13 with the public health, cleanliness, and ornament of the
 14 city or town and the improvement of the government and
 15 ~~finances as the mayor deems~~ considers expedient;

16 (c) call special meetings of the council;

17 (d) cause to be presented, once in 3 months, a full
 18 ~~and-complete~~ statement of the financial condition of the
 19 city or town;

20 (e) bid in for the city or town on any property sold
 21 at a tax or judicial sale where ~~whenever~~ the city or town is
 22 ~~e an interested party or interested;~~

23 (f) procure and have in the ~~mayor's~~ his custody the
 24 seal of the city or town;

25 (g) take and administer oaths;

(h) perform such other duties as may be prescribed by law or by resolution or ordinance of the council.

(2) The mayor is the presiding officer of the council and must sign the journals thereof and all warrants on the city treasurer treasury and decide all ties by his vote. The mayor has no other vote."

Section 5. Section 7-5-4141, MCA, is amended to read:

"7-5-4141. Membership in organizations of municipal officers. (1) ~~Nothing in 7-5-4142 shall be construed to prevent any city or town council, commission or other governing body from paying~~ The governing body of a city or town may pay:

(a) the membership fees and dues in any organization of city and town officials whose ~~when the~~ purpose of the organization is improvement of laws relating to city and town government and their better and more economical administration; and

(b) the necessary expenses of any regular officer or employee of such ~~the~~ city or town in attending any convention or meeting of such organization upon the direction of ~~such council, commission or other~~ the governing body by order upon its minutes, stating that the public interest requires such attendance.

(2) Such ~~the~~ payment of membership fees, dues, and/or expenses is to be made from such fund of the city or town as

the ~~council, commission or other~~ governing body shall direct ~~by such in the~~ order, upon ~~with the~~ claim presented, audited, and allowed as are other claims against ~~such the~~ city or town."

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"7-5-4203. Effective date of ordinances and resolutions. ~~It~~ No ordinance or resolution passed by the council of any city or town shall ~~may~~ become effective until 30 days after its passage except:

~~(a)~~ (1) general appropriation ordinances providing for the ordinary and current expenses of the city or town; and

~~(b)~~ (2) emergency measures.

~~(2)~~ ¹ Ordinances take effect from and after their passage except as otherwise ordered."

Section 8. Section 7-5-4304, MCA, is amended to read:

1 "7-5-4304. Certain contracts to be submitted to
2 voters. No contract ~~shall~~ may be let extending over a period
3 of 5 years or more without first submitting the question to
4 a vote of the ~~taxpaying~~ electors of ~~said the~~ city or town."

5 Section 9. Section 7-5-4321, MCA, is amended to read:

6 "7-5-4321. Grant of franchise -- election required.
7 (1) The council ~~must~~ may not grant a franchise or special
8 privilege to any person except in the manner specified in
9 subsection (2). The powers of the council are only those
10 expressly prescribed by law and those necessarily incident
11 thereto.

12 (2) No franchise for any purpose ~~whatsoever shall~~ may
13 be granted by any city or town or by the mayor or city
14 council thereof to any person, association, or corporation
15 without first submitting the application therefor to the
16 ~~resident-freeholders whose names shall appear on electors of~~
17 ~~the city or county tax-roll preceding such election."~~

18 Section 10. Section 7-5-4402, MCA, is amended to read:

19 "7-5-4402. Biennial municipal election. (1) On the
20 first Tuesday of April of every second year, a municipal
21 election must be held.

22 (2) At this election the qualified electors of each
23 town or city ~~must elect the officers of the city as defined~~
24 ~~in 7-4-4101v whose terms of office will expire persons to~~
25 each office for which the current term is expiring. Aldermen

1 shall be voted for by ~~the words they respectively represent~~
2 ward."

3 Section 11. Section 7-8-104, MCA, is amended to read:

4 "7-8-104. Who ~~may~~ make gift or devise to governmental
5 entities. (1) Any ~~person~~ company, partnership, or
6 corporation, or other nonindividual entity may make to any a
7 city or town organized under the laws of Montana any a
8 donation, gift, or grant of any property (real, personal, or
9 mixed); any improved or unimproved park or playground; any
10 water, water right, water reservoir, or watershed; any
11 timberland or reserve; or any fish or game reserve in any
12 part of Montana, to be held for the use and benefit of ~~said~~
13 the city or town.

14 (2) Any person over the age of 18 years and of sound
15 mind and discretion ~~may make to any a city or town organized~~
16 under the laws of Montana any a gift, grant, donation, or
17 testamentary disposition of property (real, personal, or
18 mixed); any improved or unimproved park or playground; any
19 water, water right, water reservoir, or watershed; any
20 timberland or reserve; or any fish or game reserve in any
21 part of the state."

22 Section 12. Section 7-8-2704, MCA, is amended to read:

23 "7-8-2704. Membership of land advisory board. (1) The
24 board of each county shall consist of five members.

25 ~~(2) The membership shall be as follows:~~

~~(a) three properly qualified taxpayers and residents of the county~~ to be appointed by the judge of the district court;

~~(b) the state senator and one state representative who shall be designated by the judge of the district court.~~

Section 13. Section 7-8-2705, MCA, is amended to read:

"7-8-2705. Term of office of ~~citizen members of board members~~. (1) The citizen members first appointed pursuant to ~~7-8-2704(2)(a)~~ shall ~~7-8-2704~~ serve the following terms:

(a) one ~~two~~ for a 2-year term;

(b) one ~~two~~ for a 4-year term; and

(c) one for a 6-year term.

(2) On the expiration of the terms of the initial appointees, the succeeding members shall be appointed for the term of 6 years."

Section 14. Section 7-8-4201, MCA, is amended to read:

"7-8-4201. Disposal or lease of municipal property.

(1) Subject to the provisions of subsection (2), the city or town council ~~has power to~~ may sell, dispose of, or lease any property belonging to a ~~the~~ city or town.

(2) (a) Such lease or transfer shall be made by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

(b) If ~~such the~~ property is held in trust for a specific purpose, ~~such the~~ sale or lease thereof must be

approved by a majority vote of ~~taxpayers the electors~~ of ~~such the~~ municipality voting at an election called for that purpose.

(3) Nothing contained herein shall ~~may~~ be construed to abrogate the power of the board of park commissioners to lease all lands owned by the city heretofore acquired for parks within the limitations prescribed by 7-16-4223."

Section 15. Repealer. Section 7-5-2124, MCA, is repealed.

-End-

CONSIDERATION OF SENATE BILL 308: Sponsor of this bill is Senator A. T. (Tom) Rasmussen of Senate District 16. This bill is an act to repeal one of the optional methods of achieving city-county consolidation. Mr. Weinburger explained that the material stricken from this bill is no longer necessary.

CONSIDERATION OF SENATE BILL 335: Senator Lloyd Lockrem, Jr., of Senate District 32, is sponsor of this bill. This bill is an act to generally revise and clarify the local government laws relating to local government offices. In sections 11 and 12, references to felony violations are deleted. The violations described are covered by the criminal code but the penalties differ. The proposed amendment would make the criminal code govern and promote consistency in the criminal law.

CONSIDERATION OF SENATE BILL 305: Senator Robert D. Watt, of Senate District 49, is the sponsor of Senate Bill 305. This bill is an act to generally revise and clarify the local government laws relating to the general operation and conduct of business of local governments and to the acquisition, transfer, and management of property and buildings by local governments. Mr. Weinburger stated that this bill was put in to update the material.

CONSIDERATION OF SENATE BILL 310: Senator Pete Story, of Senate District 37, is the sponsor of Senate Bill 310. This bill is an act to repeal section 7-14-2104, MCA, and Chapter 45, Laws of 1923, relating to sovereign immunity of local governments. This bill repeals certain provisions that were inadvertently omitted from the legislation submitted during the 1977 session.

CONSIDERATION OF SENATE BILL 339: Senator A. T. (Tom) Rasmussen, of Senate District 16, is the sponsor of Senate Bill 339. This bill is an act to generally revise and clarify the local government laws relating to financial administration and taxation. The right of participation in the budget process is extended to residents, under Montana's Constitution this would appear to be needed.

CONSIDERATION OF SENATE BILL 332: Senator Robert D. Watt, of Senate District 49 is the sponsor of Senate Bill 332. This bill is an act to generally revise and clarify the local government laws relating to debt management and to permit the Board of Natural Resources and Conservation to issue refunding revenue bonds. This bill deals mainly with the management of debt in local government.

CONSIDERATION OF SENATE BILL 307: Senator Jesse O'Hara, of Senate District 18, is the sponsor of Senate Bill 307.

and freeholder requirements are deleted on various elections concerning financing of local government services.

CONSIDERATION OF SENATE BILL 314: Senator Max Conover, of Senate District 36, is the sponsor of Senate Bill 314. This bill is an act to generally revise and clarify the local government laws relating to business, agriculture, and livestock regulation and to weed and pest control. In Sections 8 and 11, participation in certain activities is extended to residents and the public. The Committee felt that weed boards deal with a problem that principally burdens the landowner and that the term "landowner", therefore, should be left in the bill.

CONSIDERATION OF SENATE BILL 338: Senator Bob Peterson, of Senate District 42, is the sponsor of Senate Bill 338. This bill is an act to generally revise and clarify the local government laws relating to general emergency and protective services, to law enforcement, to fire protection, and to cemetery services. The term "8th class counties" was eliminated. There are no longer any 8th class counties.

DISPOSITION OF SENATE BILL 307: A motion was made by Senator Thomas that Senate Bill 307 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 332: A motion was made by Senator Watt that Senate Bill 332 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 339: A motion was made by Senator Rasmussen that Senate Bill 339 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 310: A motion was made by Senator Watt that Senate Bill 310 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 305: A motion was made by Senator Watt that Senate Bill 305 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 335: A motion was made by Senator Peterson that Senate Bill 335 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 308: A motion was made by Senator Rasmussen that Senate Bill 308 receive a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 334: A motion was made by Senator Watt that Senate Bill 334 be given a "DO PASS" recommendation from the Committee. Motion carried.

SENATE BILL 336: Larry Wineberg explained to the committee there would be an amendment on page 15, lines 11 through 17. This would deal with termination of county forms of government. He stated although this was not likely, it still had to be included. More substantial changes were made on page 19, section 18 of the bill. This would change population from 20,000 to 35,000. He then stated the only place the annexation laws were changed would be with a vote on municipal improvements and this would remain for residents.

SENATE BILL 333: Mr. Wineberg explained this was merely a bill dealing with alternative forms of government. He did not go into full explanation at this time.

SENATE BILL 308: Mr. Wineberg stated this relates to city-county consolidation. He stated Butte had formed their consolidation in 1975. However, they didn't use the material that is being repealed by this bill. It has been on the books for fifty years and no city-county consolidation has used it. There was then inquiry by committee members as to what it does take to consolidate. Mr. Wineberg explained that type II procedure has been used. Representative Vinger inquired about what would happen if they consolidated relating to local road work. Mr. Wineberg explained this agreement is still on the books. Hearing was then closed on Senate Bill 308.

SENATE BILL 335: Mr. Wineberg explained this bill pertains to filing of judgments and dates back to a time when a married woman couldn't enter into a contract in her own name. It also related to the individual rights of a woman to sign a contract. He stated on page 19 and 20, this was further explained. Other parts of the bill are in section 26-16. It also relates to salaries of certain local officials. There were no questions from committee members and hearing was closed on Senate Bill 335.

SENATE BILL 305: Larry Wineberg explained this bill deals with section 7-5-2124, also section 16-1008 in the revised codes of Montana. He explained that on advisory boards a member of the Legislature cannot be on a local board, and should not be appointed. There was then discussion by committee members as to certain boards they were aware of where people held public office and also were appointed to boards. Some members felt that these were the only people who would consider taking some of these positions. Mr. Wineberg pointed out that it would relate strictly to legislators. Hearing was then closed on Senate Bill 305.

SENATE BILL 310: Mr. Wineberg explained this bill relates to sovereign immunity of local governments. There was no discussion by committee members. Hearing was then closed on Senate Bill 310.

SENATE BILL 335: Representative Oberg suggested an amendment to this bill. Representative Oberg moved that the language be reinserted on page 17, lines 2 through 8. Vote was called on the amendment. All voted "aye." Representative Oberg then moved that Senate Bill 335 then be concurred in as amended. Vote was called. All voted "aye."

SENATE BILL 305: Representative Bertelsen moved that Senate Bill 305 be concurred in. Vote was called. All voted "aye." Representative Waldron requested the committee reconsider and amend the bill prior to passage. Representative Waldron then moved to amend Senate Bill 305 as amendments had been submitted for the title, line 9, section 16-1008; also on page 10, line 8, following this section insert "16-1008." Strike that section and insert it there. Vote was then called on the amendment. All voted "aye" and the motion carried. Representative Waldron then moved that Senate Bill 305 be concurred in as amended. Vote was called. All voted "aye." Motion carried.

SENATE BILL 310: Representative Vinger moved that Senate Bill 310 be concurred in. Vote was called. All voted "aye" except Representative Sales. Motion passed.

SENATE BILL 339: Representative Reichert moved that Senate Bill 339 be concurred in. Question was called. All voted "aye" except Representative Moore. Motion carried. Senate Bill 339 was concurred in.

SENATE BILL 332: Representative Gould moved that Senate Bill 332 be concurred in. All voted "aye" and the motion carried.

SENATE BILL 350: Representative Oberg moved Senate Bill 350 be concurred in. All voted "aye" and motion carried.

SENATE BILL 306: It was noted this bill had been referred to House Taxation.

SENATE BILL 307: Representative Oberg moved Senate Bill 307 be concurred in. Question was called and all voted "aye" and the motion carried.

SENATE BILL 337: Representative McBride moved that Senate Bill 337 be concurred in. Vote was called. All voted "aye" and motion carried.

SENATE BILL 340: Representative Kessler moved that Senate Bill 340 be concurred in. All voted "aye" and motion carried.

SENATE BILL NO. 305

INTRODUCED BY WATT

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO THE GENERAL OPERATION AND CONDUCT OF BUSINESS OF LOCAL GOVERNMENTS AND TO THE ACQUISITION, TRANSFER, AND MANAGEMENT OF PROPERTY AND BUILDINGS BY LOCAL GOVERNMENTS; REPEALING SECTION 16-1008, B.C.M., 1947, AND SECTION 7-5-2124, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-5-122, MCA, is amended to read:

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(2) Three members of the board of county commissioners may be allowed actual transportation expenses and per diem for attendance ~~upon at~~ any general meeting of county commissioners or assessors held within the state not more often than once a year, and the proportionate expenses and charges against each county as a member of such association shall also be paid.

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1 by the owners of ~~said-lands~~ the land to vacate ~~said the~~
 2 plat, the county commissioners of the county in which such
 3 plat is filed shall, upon petition of the owners of ~~all the~~
 4 ~~lands land~~ described in ~~said the~~ plat and upon such
 5 conditions as may be reasonable, cancel ~~and-annul--said the~~
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 14 accordance with the terms of this section, but in all cases
 15 where it ~~shall-be is~~ necessary to designate the location of
 16 any such post office, store, or other business property by
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 21 at a tax or judicial sale where ~~whenever~~ the city or town is
 22 ~~a an-interested party or-interested~~;

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2 voters. No contract ~~shall~~ may be let extending over a period
3 of 5 years or more without first submitting the question to
4 a vote of the ~~taxpaying~~ electors of ~~said~~ the city or town."

5 Section 9. Section 7-5-4321, MCA, is amended to read:

6 "7-5-4321. Grant of franchise -- election required.

7 (1) The council ~~must~~ may not grant a franchise or special
8 privilege to any person except in the manner specified in
9 subsection (2). The powers of the council are only those
10 expressly prescribed by law and those necessarily incident
11 thereto.

12 (2) No franchise for any purpose ~~whatsoever-shall~~ may
13 be granted by any city or town or by the mayor or city
14 council thereof to any person, association, or corporation
15 without first submitting the application therefor to the
16 ~~resident-freeholders-whose-names-shall-appear-on~~ electors of
17 ~~the city or county-tax-roll-preceding-such-election.~~

18 Section 10. Section 7-5-4402, MCA, is amended to read:

19 "7-5-4402. Biennial municipal election. (1) On the
20 first Tuesday of April of every second year, a municipal
21 election must be held.

22 (2) At this election the qualified electors of each
23 town or city must elect ~~the-officers-of-the-city-as-defined~~
24 ~~in-7-4-4181-whose-terms-of-office-will-expire~~ persons to
25 each office for which the current term is expiring. Aldermen

1 shall be voted for by ~~the-wards-they-respectively-represent~~
2 ward."

3 Section 11. Section 7-8-104, MCA, is amended to read:

4 "7-8-104. Who may make gift or devise to governmental
5 entities. (1) Any ~~person~~ company, partnership, or
6 corporation, ~~or other nonindividual entity~~ may make to any a
7 city or town organized under the laws of Montana any a
8 donation, gift, or grant of any property (real, personal, or
9 mixed); any improved or unimproved park or playground; any
10 water, water right, water reservoir, or watershed; any
11 timberland or reserve; or any fish or game reserve in any
12 part of Montana, to be held for the use and benefit of ~~said~~
13 the city or town.

14 (2) Any person over the age of 18 years and of sound
15 mind and discretion may make to any a city or town organized
16 under the laws of Montana any a gift, grant, donation, or
17 testamentary disposition of property (real, personal, or
18 mixed); any improved or unimproved park or playground; any
19 water, water right, water reservoir, or watershed; any
20 timberland or reserve; or any fish or game reserve in any
21 part of the state."

22 Section 12. Section 7-8-2704, MCA, is amended to read:

23 "7-8-2704. Membership of land advisory board. (1) The
24 board of each county shall consist of five members.

25 (2) ~~The-membership-shall-be-as-follows:~~

1 ~~{a}--three--property--qualified-taxpayers-and~~ residents
2 ~~of the county~~ to be appointed by the judge of the district
3 court;

4 ~~{b}--the-state-senator-and-one-state-representative-who~~
5 ~~shall-be-designated-by-the-judge-of-the-district-court."~~

6 Section 13. Section 7-8-2705, MCA, is amended to read:

7 "7-8-2705. Term of office of ~~citizen-members-of~~ board
8 members. (1) The citizen members first appointed pursuant to
9 ~~7-8-2704~~~~{a}~~~~shall~~ ~~7-8-2704~~ serve the following terms:

10 (a) one ~~two~~ for a 2-year term;

11 (b) one ~~two~~ for a 4-year term; and

12 (c) one for a 6-year term.

13 (2) On the expiration of the terms of the initial
14 appointees, the succeeding members shall be appointed for
15 the term of 6 years."

16 Section 14. Section 7-8-4201, MCA, is amended to read:

17 "7-8-4201. Disposal or lease of municipal property.

18 (1) Subject to the provisions of subsection (2), the city or
19 town council ~~has-power-to~~ ~~may~~ sell, dispose of, or lease any
20 property belonging to ~~a~~ ~~the~~ city or town.

21 (2) (a) Such lease or transfer shall be made by ~~an~~
22 ordinance or resolution passed by a two-thirds vote of all
23 the members of the council.

24 (b) If ~~such~~ ~~the~~ property is held in trust for a
25 specific purpose, ~~such~~ ~~the~~ sale or lease thereof must be

1 approved by a majority vote of taxpayers ~~the electors~~ of
2 ~~such~~ ~~the~~ municipality voting at an election called for that
3 purpose.

4 (3) Nothing contained herein ~~shall~~ ~~may~~ be construed to
5 abrogate the power of the board of park commissioners to
6 lease all lands owned by the city heretofore acquired for
7 parks within the limitations prescribed by 7-16-4223."

8 Section 15. Repealer. Section ~~16-1008, S.C.M. 1947,~~
9 ~~AND SECTION~~ 7-5-2124, MCA, ~~is~~ ~~ARE~~ repealed.

-End-